IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 382 of 1993

with

CIVIL APPLICATION No 3843 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

M/s.Agencies & Cargo Care
Versus
State Trading Corporation of India & ors.

Appearance:
1. Appeal from Order No. 382 of 1993
MS VASUBEN P SHAH for Appellant No.
MR HARIN P RAVAL for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/01/2005

ORAL JUDGEMENT

1. The appellant herein has preferred this appeal

from order against the order dated 16/08/1992 passed below application Exh.5 by the learned Civil Judge (S.D.), Bhuj at Kachchh in Special Civil Suit No.236 of 1992, whereby the said application was dismissed.

2. On 15/03/1994, this Court (Coram : B. C. Patel, J.) has passed the following order;

"Mr.Harin Raval learned advocate appearing for respondent - State Trading Corporation states that the payment is released by inadvertence. Mr.Raval states that he shall file an affidavit to the effect that who was the person in-charge making this payment and what are the steps taken by the State Trading Corporation against the respondent Officer of the State Trading Corporation. Mr.Raval further states that he will find out as to who is the superior of the person concerned and shall furnish the details about the action, if any, taken. Mr.Raval states that the said affidavit shall be filed within a period of one week."

3. But no affidavit as stated above has been filed and hence while admitting this matter no stay was granted in favour of the appellant.

4. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit.

5. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.236 of 1992 pending before the Court of the learned Civil Judge (S.D.), Bhuj at Kachchh as expeditiously as possible.

6. With the above observations and directions, the Appeal from Order stands disposed of.

[K. S. JHAVERI, J.]
pravin/

CIVIL APPLICATION No.3843 of 1993

In view of the order passed in the appeal from order no orders in this Civil Application. It stands

disposed of accordingly. Notice is discharged.

(K. S. Jhaveri, J.)

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